

Appl. No. 09/847,794  
Amdt. dated November 9, 2005  
Reply to Office Action of September 16, 2005

### Remarks

The present amendment responds to the final Official Action dated September 16, 2005. The Official Action rejected claims 1-18 under 35 U.S.C. §103(a) based on Latimer et al. U.S. Patent No. 6,857,567 (Latimer) in view of Berkson U.S. Patent No. 6,049,779 (Berkson) and further in view of Nashner U.S. Patent No. 5,980,429 (Nashner). This sole ground of rejection is addressed below following a brief discussion of the present invention to provide context.

Claims 1 and 11 have been amended to be more clear and distinct. In particular, these claims have been amended to further define the "work session" limitation. Support for this claim amendment can be found at page 6, lines 14-20 of the present specification. Claims 1-18 are presently pending.

### The Present Invention

One aspect of the present invention is directed to a point of sale (POS) terminal for providing feedback to a cashier operating the POS terminal. The POS terminal includes a display for displaying information to a cashier operating the POS terminal. The display displays a performance goal screen at the start of a work session, indicating to the cashier a performance goal for the work session. The work session begins when the cashier logs onto the POS terminal and ends when the cashier logs off the POS terminal. The POS terminal operates to measure the cashier's performance of tasks during the work session. One measured task, for example, is the number of items scanned per unit time. At the end of the work session, the display displays a

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performance report screen including the cashier's measured performance and the performance goal to provide performance feedback directly to the cashier.

### The Art Rejections

As addressed in greater detail below, Latimer, Berkson, and Nashner do not support the Official Action's reading of them and the rejection based thereupon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of Latimer, Berkson, and Nashner made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections.

Claims 1-18 were rejected under 35 U.S.C. §103(a) based on Latimer in view of Berkson and further in view of Nashner. Latimer addresses a scanner for gathering information about an operator's scanning technique. Latimer, col. 1, lines 45-48. Referring to Fig. 1, Latimer's scanner has two ports 45 and 47 which may be used to configure the scanner to operate in a "training mode" or in a "monitor mode." In the training mode, the scanner is connected to a personal computer (PC) 43 to gather information about the operator's scanning technique. Latimer, col. 3, lines 26-32 and Fig. 2. While in the training mode, a PC application may also provide feedback information concerning the operator's scanning technique to the operator. In the monitor mode, the scanner is connected to a POS terminal to continuously monitor the operator's scanning technique to provide management reports of the same. Latimer, col. 3, lines 50-60, col. 6, line 64 – col. 7, line 5, and Fig. 3. Latimer's scanner does not disclose displaying a

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performance goal for a work session to a cashier and does not disclose displaying the cashier's measured performance over the work session to the cashier as claimed.

In contrast to Latimer, the present invention addresses a POS terminal that provides feedback to a cashier regarding his or her performance during a work session. The present invention includes a display for displaying a performance goal screen at the start of a work session, a POS terminal for measuring the cashier's performance during the work session. The display also displays at the end of the work session a performance report screen including the cashier's measured performance and the performance goal to provide feedback directly to the cashier. Claim 1, as presently amended, reads as follows:

1. A point of sale (POS) terminal for providing feedback to a cashier operating the POS terminal, the POS terminal comprising:

a display for displaying information to the cashier operating the POS terminal, the display displaying a performance goal screen at the start of a work session to indicate to the cashier a performance goal for the work session, the work session beginning at the time the cashier logs onto the POS terminal and ending at the time the cashier logs off the POS terminal; and

the POS terminal operating to measure the cashier's performance of tasks during the work session, the tasks comprising the number of items scanned per unit time, the display displaying at the end of the work session a performance report screen including the cashier's measured performance and the performance goal to provide performance feedback directly to the cashier. (emphasis added)

Latimer does not teach and does not suggest "the display displaying a performance goal screen at the start of a work session to indicate to the cashier a performance goal for the work session, the work session beginning at the time the cashier logs onto the POS terminal and ending at the time the cashier logs off the POS terminal," as presently claimed in claim 1. Furthermore, Latimer does not teach and does not suggest "the POS terminal operating to

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measure the cashier's performance of tasks during the work session ... the display displaying at the end of the work session a performance report screen including the cashier's measured performance and the performance goal to provide performance feedback directly to the cashier," as presently claimed in claim 1.

Latimer, during training mode, merely provides limited feedback of an operator's scanning technique. Additionally, such scanning technique is apparently measured and only fed back to the operator during the training mode. During the monitor mode, Latimer discloses providing feedback through a display containing a plurality of lamps which are lighted depending on the effectiveness of the operator's scanning technique. The operator's scanning performance is reported to management and not directly to the operator. See, Latimer col. 6, line 64 – col. 7, line 5. Regardless of the training system used for teaching a proper scanning technique as taught in Latimer, Latimer appears to merely describe the state of the art of a back office report-based POS application upon which the present invention improves as discussed in the present specification at page 3, lines 5 and 6, for example.

The Official Action relies upon col. 6, lines 51-63 and Fig. 4 of Latimer as purportedly displaying to the cashier a performance report indicating the cashier's measured performance. Applicant respectfully disagrees. At the cited portion of text, Latimer merely discloses providing feedback to the operator during a training mode configuration after the "last training item is scanned." Such disclosure fails to address the performance of a cashier during a work session "beginning at the time the cashier logs onto the POS terminal and ending at the time the cashier logs off the POS terminal," as presently claimed in claims 1 and 11.

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Berkson fails to cure the deficiencies of Latimer. Berkson addresses a system that provides positive incentives to a call center agent by allowing the call center agent to play a game each time an established performance parameter standard is met. Berkson, col. 2, lines 39-42. To this end, Berkson discloses a data collection system and a game participation system in combination with an automatic call distribution (ACD) system. The data collection system monitors a performance parameter of a telephone call handled by a call center agent. The game participation system compares a measure of the monitored performance parameter to an established performance parameter standard and allows the call center agent to participate in a game only if the performance measure meets or exceeds the established performance parameter standard. At the completion of the call by a call center agent, the system automatically generates measurements of length of time of the call and revenue generated, for example, and compares these performance measurements to established performance parameter standards such as a maximum call time of seven minutes and a minimum of \$25 in revenue. If both of these standards are accomplished, the call center agent is automatically allowed to participate in a game. Berkson does not display a performance report gained over a work session which includes a cashier's performance goal and measured performance of tasks, such as scanning items, by the cashier operating a POS terminal as claimed.

The Official Action relies on Berkson at col. 2, lines 43-45 and col. 6, lines 31-49 for purportedly monitoring and measuring the operator's performance during a work session. Applicant respectfully disagrees. At the cited portion of text, Berkson discloses a data collection system which collects and stores specified telephone call related information corresponding to an

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ACD agent's performance. Despite the Official Action's suggestion, it is hard to imagine a working combination of a training scanner as taught by Latimer and an ACD environment as suggested by the duplication of Berkson's Fig. 1 in the Official Action. Even if such a combination worked, which Applicant believes it would not, the combination would still fail to meet the features of the claims as presently amended.

The Official Action further relies on Berkson at col. 1, lines 21-68 as purportedly teaching that the collection and reporting of operator performance as well as systems for motivating operators based on performance feedback including a display of an operator's current performance is old and well known in the art. Applicant respectfully disagrees. At the cited portion of text, Berkson discloses other art examples involving performance tracking of call center agents. None of the examples involve performance monitoring of or feedback provided to a cashier at a POS terminal in the manner claimed. The specific examples of performance monitoring of an agent's handling of telephone calls in an ACD environment does not preclude patentability of performance monitoring of a cashier at a POS terminal during a work session and displaying a cashier's measured performance with the cashier's performance goal as claimed.

As admitted by the Examiner at page 6 of the Official Action, Latimer and Berkson do not teach displaying a performance goal at the start of the work session as claimed. Nashner fails to cure the deficiencies of Latimer and Berkson. Nashner addresses a system and method of monitoring the effectiveness of a training program in order to determine whether changes to the training program need to be made. Nashner, col. 4, lines 18-27.

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The Official Action relies on Nashner at col. 3, lines 32-35, col. 4, lines 12-27 and Fig. 1 as purportedly displaying performance targets/goals prior to and during a training session. Applicant disagrees on two bases. First, the present invention addresses a cashier's performance at a POS terminal during a work session, not a training session as disclosed in Nashner. Second, at col. 3, lines 32-35, Nashner merely discloses a general principle of education that a trainee striving to achieve a clearly defined, objective goal while receiving periodic objective feedback relative to his or her progress is the best motivated. At col. 4, lines 12-27, Nashner describes monitoring a training program's effectiveness by comparing actual performance and previous performance by the same subject. Neither of these cited portions of text involve a display for "displaying at the end of the work session a performance report screen including the cashier's measured performance and the performance goal to provide performance feedback directly to the cashier," as presently claimed in claim 1. Combining Nashner with Latimer and Berkson as suggested would still fail to meet the features of the claim. At best, such a combination would result in testing the effectiveness of Latimer's dual mode scanner and have nothing to do with monitoring the performance of scanning during a cashier's work session and then displaying both the measured performance and the performance goal to a cashier at a POS terminal as claimed.

Latimer, Berkson, and Nashner, taken separately or in combination, do not teach and do not suggest "the display displaying a performance goal screen at the start of a work session to indicate to the cashier a performance goal for the work session, the work session beginning at the time the cashier logs onto the POS terminal and ending at the time the cashier logs off the POS terminal," as presently claimed in claim 1. The Official Action takes official notice that operator

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sessions typically start with the operator logging onto a system enabling the system to recognize/authorize the operator to use the system. While this much may be true, it does not meet the present claims or make them obvious, and provides no basis for modifying the relied upon art. If anything, that logging on is well known and the art does not build thereupon is evidence of the patentability of the present claims rather than their obviousness.

As described above, the work session provides a time frame over which a cashier's performance is measured and a performance goal is compared against the measured performance. The work session begins at the time the cashier logs on to a POS terminal and ends at the time the cashier logs off the POS terminal as presently claimed.

Furthermore, Latimer, Berkson, and Nashner, taken separately or in combination, do not teach and do not suggest "the POS terminal operating to measure the cashier's performance of tasks during the work session ... the display displaying at the end of the work session a performance report screen including the cashier's measured performance and the performance goal to provide performance feedback directly to the cashier," as presently claimed in claim 1.

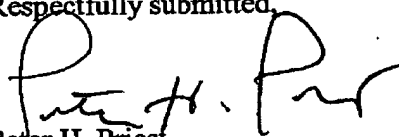


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Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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